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Nos. 271-274

In the Supreme Court of the United States

OCTOBER TERM, 1930

WALTER O. WOODS, AS TREASURER OF THE UNITED STATES, PETITIONER

v.

THE CHEMICAL FOUNDATION, INC., AND E. I. DU PONT DE NEMOURS & CO., RESPONDENTS

PETITION FOR WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

(NOTE.—All of the captions will be found on pages 1 and 2 of the petition.)

In the Supreme Court of the United States

OCTOBER TERM, 1930

No. ——

WALTER O. WOODS, AS TREASURER OF THE UNITED States, petitioner

v.

THE CHEMICAL FOUNDATION, INC., AND E. I. du Pont de Nemours & Co., respondents

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No. ——

HOWARD SUTHERLAND, AS ALIEN PROPERTY CUSTODIAN, petitioner

v.

FARBWERKE VORMALS MEISTER LUCIUS & BRUNING, E. I. du Pont de Nemours & Co., and Walter O. Woods, as Treasurer of the United States, respondents

No. ——

HOWARD SUTHERLAND, AS ALIEN PROPERTY CUSTODIAN, petitioner

v.

DEUTSCHE GOLD & SILBER SCHEIDE ANSTALT VORM. Roessler, E. I. du Pont de Nemours & Co., and Walter O. Woods, as Treasurer of the United States, respondents

No. ——

HOWARD SUTHERLAND, AS ALIEN PROPERTY CUSTODIAN, petitioner

v.

BADISCHE ANILIN & SODA-FABRIK, E. I. DU PONT DE Nemours & Co., and Walter O. Woods, as Treasurer of the United States, respondents

PETITION FOR WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

The Solicitor General, on behalf of Walter O. Woods, as Treasurer of the United States of America, and Howard Sutherland, as Alien Property Custodian, petitioners, prays that writs of certiorari issue to review the several decrees of the United States Circuit Court of Appeals for the Third Circuit, entered in the above cases (docketed as Nos. 4095, 4097, 4099, and 4101 in the Circuit Court of Appeals), on March 4, 1930 (R. 264–269), which

affirmed decrees of the District Court of the United States for the District of Delaware against the petitioners (R. 190–201).

OPINIONS BELOW

The opinion of the District Court (R. 176) is reported in 29 F. (2d) 597. The opinion of the Circuit Court of Appeals is reported in 39 F. (2d) 366, and will be found at page 251 of the record.

On June 4, 1930, the Chief Justice extended for 35 days from that date the time within which these petitioners might apply for writs of certiorari.

STATEMENT

The facts are clearly stated, and the law applicable thereto discussed, in the opinions below and it is unnecessary to restate the same in this petition.

REASONS FOR GRANTING THE WRITS

These petitioners do not now contend, as they contended in the courts below, that they should prevail in all of these four suits. These causes have been thoroughly considered by two courts, both of which have reached the same conclusions. The causes of action arise under a war-time statute which has no general application in time of peace and upon a peculiar state of facts which will not likely arise in the future except as to certain related cases which fall within the same category as these four suits. The Treasurer of the United States and the Alien Property Custodian, however,

feel compelled to file this petition because the German respondents, Farbwerke vormals Meister Lucius & Bruning, Deutsche Gold & Silber Scheide Anstalt vorm. Roessler and Badische Anilin & Soda Fabrik, who failed in the courts below, have filed a petition for writs of certiorari. (Docket Nos. 179, 180, 181, and 182.) Furthermore, these causes are not so clear and simple that the Treasurer and the Alien Property Custodian are justified in assuming that there is no possibility that this Court will refuse to review the matter upon the petition of the German respondents and that the ultimate decision of the causes may not be in favor of them and against these petitioners. If this should occur, and if the decrees against the German respondents should be reversed while the decree in favor of the Chemical Foundation should stand, such decrees would be inconsistent, and the Treasurer of the United States would be placed in an awkward position in that he would in that event be ordered to pay royalty to the German respondents which both courts below determined had been assigned to the Chemical Foundation.

This whole litigation in effect is now narrowed to a controversy between the German respondents and the Chemical Foundation. It is a matter of indifference to these petitioners whether the petition of the German respondents is granted or not. However, these petitioners feel that if the petition of the German respondents is granted then this Court should review all the decrees below.

Inasmuch as the German respondents have filed the requisite number of copies of the record in cases 179, 180, 181, and 182, these petitioners do not deem it necessary to file any additional copies of the record, for the record filed covers all of these cases and the filing of any additional copies would be superfluous.

These petitioners, therefore, respectfully pray that if writs of certiorari are granted in cases Nos. 179, 180, 181, and 182, filed by the German respondents, then their petition for writs of certiorari to review the decrees of the Circuit Court of Appeals in Nos. 4095, 4097, 4099, and 4101 likewise be granted.

Respectfully submitted.

THOMAS D. THACHER,
Solicitor General.

JULY, 1930.

U. S. GOVERNMENT PRINTING OFFICE: 1930